

THIRTIETH DAY

(Wednesday, March 9, 1955)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Weinert
Martin	Willis
McDonald	

Absent—Excused

Lane	Wagonseller
Owen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, like children searching in the dark for the latch to the door that would open to freedom and light, we search in vain for freedom and light on the perplexing problems that confront us; forgetting that Thou hast given to us Thy Word, keys to Thy kingdom, when properly used, will open doors to liberty, light, love and life eternal. Light our eyes that we may see how and where we are to walk today. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Wagonseller was granted leave of absence for today and the remainder of the week on account of illness in the family on motion of Senator Corbin.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Rogers of Childress.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 9, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 108, A bill to be entitled, "An Act relating to the construction, acquisition, and equipment of buildings and other structures and additions to buildings and other structures by the Board of Regents of the several junior college districts heretofore or hereafter organized; providing for the fixing of fees for the use thereof and other revenue producing buildings, structures and other property; providing for the issuance of negotiable revenue bonds and notes for certain purposes and providing for the securing of such obligations, and providing and assuring the adequacy of such pledged income, containing a severance clause, enacting other provisions related to the subject; and declaring an emergency."

S. B. No. 109, A bill to be entitled "An Act relating to workmen's compensation; amending Section 15a of Article 8306, Revised Civil Statutes, as amended, and Chapter 248, Acts of the 42nd Legislature, Regular Session, as amended, so as to make these statutes apply to compensation payable under any law enacted pursuant to Section 59, Section 60, or Section 61, of Article III of the Constitution of Texas; repealing conflicting laws; and declaring an emergency."

S. B. No. 250, A bill to be entitled "An Act designating the 11th day of November as Veterans Day; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives.

Reports of Standing Committees

Senator Fly submitted the following report:

Austin, Texas,
March 9, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom

was referred S. B. No. 216, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

FLY, Chairman

Senator Secrest submitted the following reports:

Austin, Texas,
March 9, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 45, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SECREST, Chairman

Austin, Texas,
March 9, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 113, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SECREST, Chairman

Senator Ashley submitted the following report:

Austin, Texas
March 8, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred S. B. No. 166, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass, and be printed.

ASHLEY, Chairman

C. S. S. B. No. 166 was read the first time.

Presentation of Guests

Senator Rogers of Travis, by unanimous consent, presented senior students of the McCallum High School of Austin and their teacher Mr. Jim Collins to the Members of the Senate.

Presentation of Guests

Senator Secrest, by unanimous consent, presented the Civics Class of Lorena High School of McLennan County and their teacher Mr. Lloyd H. Taylor, to the Members of the Senate.

Bills Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bills:

S. B. No. 64, A bill to be entitled "An Act amending Sections 1, 3, and 4 of Chapter 302 of the Acts of the 52nd Legislature, 1951, as amended, to make the Act applicable to counties of five hundred thousand (500,000) or more population, and declaring an emergency."

S. B. No. 250, A bill to be entitled "An Act designating the 11th day of November as Veterans Day; and declaring an emergency."

S. B. No. 108, A bill to be entitled "An Act relating to the construction, acquisition, and equipment of buildings and other structures and additions to buildings and other structures by the Board of Regents of the several punior college districts heretofore or hereafter organized; providing for the fixing of fees for the use thereof and other revenue producing buildings, structures and other property; providing for the issuance of negotiable revenue bonds and notes for certain purposes and providing for the securing of such obligations, and providing and assuring the adequacy of such pledged income, containing a severance clause, enacting other provisions related to the subject and declaring an emergency."

S. B. No. 109, A bill to be entitled "An Act relating to workmen's compensation; amending Section 15a of Article 8306, Revised Civil Statutes, as amended, and Chapter 248, Acts of the 42nd Legislature, Regular Session, as amended, so as to make these statutes apply to comensation payable under any law enacted pursuant to Section 59, Section 60, or Section 61 of Article III of the Constitution of Texas; repealing conflicting laws; and declaring an emergency."

Senate Bills and Joint Resolutions on First Reading

The following Senate Bills and Joint

Resolutions were introduced, read first time and referred to the committees indicated:

By Senator Secrest:

S. B. No. 313, A bill to be entitled "An Act providing for the amendment of Article 21.28 of the Texas Insurance Code of 1951 such act concerning the liquidation, rehabilitation, reorganization, or conservation of insurers, and placing same under the Board of Insurance Commissioners; defining certain words and phrases used in this act; providing for the appointment of a liquidator by the Board of Insurance Commissioners; providing that in all delinquency proceedings against insurers said liquidator shall be appointed as receiver therefor, and outlining his duties as such receiver; providing for ancillary delinquency proceedings; defining the powers, duties, rights, and privileges of receivers, liquidators, special deputy liquidators and other assistants and employees provided under the authority of this act; defining the custody of the court; placing title to assets in the receiver; providing for the relation back of the title of the receiver; providing the filing and recording of order directing possession to be taken as notice; fixing the rights of interested parties; providing for bonds of receiver and assistants; providing for the preparation and filing by the liquidator of duplicate inventories of the insurer's assets; providing for the sale or disposition of real and personal property and the selling or compounding of doubtful or uncollectible debts or claims; providing for the purchase of assets by creditors paying therefor with dividends and the designation of a representative to act for such creditors; providing for the deposit of all moneys collected by the liquidator; providing for the filing of claims, certain provisions with regard to contingent claims, providing for claim to be made by a person who has a cause of action against an insured of such delinquent insurer under a liability policy; providing no judgment against an insured of a delinquent insurer shall be allowed; providing for offsets; providing for the rejections of claims and actions upon such rejected claims; providing for injunctions and orders restraining the transaction of the business of a delinquent insurer or the waste or disposition of its property or requiring the delivery of its property or assets to the receiver; providing for

injunctions or orders preventing interference with the receiver or proceedings, or the waste of the assets of the delinquent insurers, or the commencement or prosecution of actions, or the obtaining of preferences, judgments, attachments, garnishments, other liens, or making levy against delinquent insurers or its assets; providing for the disallowance of claims, judgments, liens or preferences obtained in derogation of the terms of injunctions or orders; providing that no judgment or order shall be binding upon the receiver unless the receiver is a party; providing that venue shall be in courts of competent jurisdiction in the county in which the delinquency proceedings are pending on actions or proceedings instituted after the commencement of delinquency proceedings by or against the insurer or receiver; providing for the avoidance of preferences; providing for the personal liability of persons acting on behalf of delinquent insurers participating in voidable transfers; providing for the avoidance of voidable transfers; providing for the priority of claims for wages; providing for the levying of assessments in delinquency proceedings; providing for the collection of assessments; providing for the bringing of suits for collection of assessments in a court of competent jurisdiction in the county in which such delinquency proceedings are pending; providing that the provisions with regard to assessments are cumulative; providing for the payment of dividends; providing that interest shall not accrue subsequent to the commencement of delinquency proceedings; providing for equalization of the claims of foreign claimants; providing for the setoff of dividends; providing for the disposition of unclaimed dividends on approved claims; providing for the re-vesting of title to the insurer's assets in the stockholders of such insurer upon making provision for dividends and liabilities; providing for the disposition of the remaining assets of any delinquent insurer other than a stock insurance company; providing for the continuous administration of delinquency proceedings; providing for the reopening of closed delinquency proceedings; providing that reinsurers of delinquent insurers shall become liable on approved claims as though such claims had been actually paid regardless of any provision in the reinsurance contract to the contrary; providing for the notification of re-

insurers of delinquent insurers; providing for the use of the records of delinquent insurers and of the liquidator in evidence; providing for the certification of records by the liquidator; providing for the receipt in evidence of certificates by the liquidator; providing for the bond of the liquidator; providing for the compensation of the liquidator and of all special deputy liquidators, counsel, clerks and assistants hereunder; providing for the liquidator's bond; providing for the filing of reports; providing for ancillary delinquency proceedings; providing for contracts with foreign receivers; providing for the borrowing by the receiver on the pledge of assets; providing for the repeal of all laws or parts of laws in conflict herewith with certain exceptions; and declaring an emergency."

To the Committee on Insurance.

By Senator Parkhouse:

S. B. No. 314, A bill to be entitled "An Act amending Chapter 123, Acts of the 53rd Legislature (being the law creating Dallas County Water Supply and Control District) by changing the method of selecting the directors for said district; changing the terms and qualifications of such directors; and to authorize the district to convey its properties to any other district established under Article 16, Section 59 of the Constitution, and thereupon be dissolved; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

By Senator Moore:

S. B. No. 315, A bill to be entitled "An Act amending the Meat Inspection Law (Chapter 339, Acts of the 49th Legislature, 1945), by adding a new section authorizing the State Board of Health to fix, charge, and collect fees for inspection services performed by the State Health Department; providing for disposition and use of the funds collected; making an appropriation; and declaring an emergency."

To the Committee on Public Health.

By Senator Shireman:

S. B. No. 316, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended, so as to give the District Judge or District Judges authority to set the salary of the County Auditor at a figure not to exceed the

amount allowed or paid the Assessor-Collector of Taxes in his county; providing that this salary shall only cover the compensation of the County Auditor for performing his regular county duties; providing that the County Auditor shall be appointed for a term of four years; amending Article 1649 of the Revised Civil Statutes of Texas of 1925 so as to provide that the bond of the County Auditor shall be payable to the District Judge or District Judges and that the bond shall be approved by the District Judge or District Judges, a majority ruling, and providing further that each County Auditor shall be required to make a personal or surety bond in the minimum sum of \$5,000; amending Article 1665 of the Revised Civil Statutes of Texas of 1925, as amended, so as to provide that the County Auditor shall make monthly and annual reports to the Commissioners' Court and the District Judge or District Judges of his county and providing further that at the time of making the annual audit the County Auditor shall send a report to the bonding company of each district, county or precinct officer showing the condition of that particular office; providing that in making the monthly and annual reports to the Commissioners' Court and District Judge or District Judges that the County Auditor shall also show the amounts of county, district and school funds on deposit in the County Depository; providing further that the annual report shall be filed at a regular or special term of the Commissioners' Court in April following the close of each fiscal year and copies of such reports shall be filed with the District Judge or District Judges as the case may be; providing for a repeal of all laws in conflict herewith—however, it is expressly understood that it is not the intention of the Legislature to repeal Article 1672 of the Revised Civil Statutes of Texas of 1925 or Article 8245 of the Revised Civil Statutes of Texas of 1925, as amended—and declaring an emergency."

To the Committee on State Affairs.

By Senator Bracewell:

S. B. No. 317, A bill to be entitled "An Act amending Section 9 of Chapter 106, Acts of the Fortieth Legislature, First Called Session, 1927 (codified as Section 9 of Article 1105b in Vernon's Texas Civil Statutes), so as to require that notice of hearing on assessments for street improve-

ments be mailed to abutting property owners and to provide for a trial de novo on appeal to any court of jurisdiction and further to provide that failure to give such notice shall be a defense in a suit to enforce any such assessment; and declaring an emergency."

To the Committee on State Affairs.

By Senator Fuller:

S. B. No. 318, A bill to be entitled "An Act creating an additional District Court in Jefferson County, Texas, to be known as the District Court for the 136th Judicial District; providing the terms and jurisdiction for said court; providing for the appointment of a judge for said court; prescribing powers, duties, term of office and compensation; making necessary appropriations; providing for the employment of official court reporters of said court; prescribing his qualifications, duties and compensations; providing for the appointment, designation and compensation of other officers of the court; providing all process, writs, recognizances and bonds heretofore issued, made, executed or returnable to existing terms of District Courts in Jefferson County are valid and returnable to the first term of the District Court for the 136th Judicial District after this Act takes effect; making other provisions relative to the business and functioning of the District Courts of Jefferson County; providing the provisions of Article 52-160a of the Code of Criminal Procedure of the State of Texas shall be applicable to the District Courts of Jefferson County; providing severability clause; providing a repealing and cumulative clause; and declaring an emergency."

To the Committee on Judicial Districts.

By Senator Willis:

S. B. No. 319, A bill to be entitled "An Act amending Article 1147, Penal Code of Texas, 1925, as amended, by adding a subdivision (10) to include in the classification of aggravated assault or battery certain acts against news reporters or news photographers; providing a severability clause; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Moffett:

S. B. No. 320, A bill to be entitled "An Act creating a conservation dis-

trict under Article XVI, Section 59, of the Constitution, comprising the territory hereinafter described and situated within Haskell County, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; providing for the annexation of additional territory thereto; providing for a board of directors for the government of said district; authorizing the district to do all things necessary to make available for municipal, domestic and industrial uses, the water from underground sources, and water it may obtain by purchase, lease and operation contracts with cities, persons, firms, corporations and public agencies; authorizing the issuance of bonds and providing for the payment and security thereof; making applicable to the district Title 52 relative to eminent domain and certain general laws relating to water control and improvement districts; requiring the district to bear the expense of relocation or other change in certain facilities; prescribing the other powers of the district; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

By Senator Kazen:

S. B. No. 321, A bill to be entitled "An Act amending Senate Bill No. 354, Chapter 325, Acts of the 52nd Legislature, Regular Session, 1951, being Article 5382d of Vernon's Texas Civil Statutes, by adding a new section authorizing the appropriate Boards for Lease of lands owned by any department, board or agency of the State to grant easements for irrigation canals, laterals, flumes and ditches, and telephone, telegraph, electric power and pipe lines; and declaring an emergency."

To the Committee on State Affairs.

By Senator Martin:

S. B. No. 322, A bill to be entitled "An Act providing for payment of an amount equal to one per cent (1%) of each bid on mineral lease and land sales as a special sale fee; providing that such special payments on high bids be deposited to the General Revenue Fund; providing that failure to remit the special fee shall not render a bid void; providing for demand of payment of such fees; providing a penalty for failure or re-

fusal to make such payment; and declaring an emergency."

To the Committee on State Affairs.

By Senator Martin:

S. B. No. 323, A bill to be entitled "An Act amending Article 3918, Revised Civil Statutes, 1925, as amended by Chapter 13, Acts 49th Legislature, 1945, providing for an increase in the amount of certain fees; declaring an emergency and fixing the effective date."

To the Committee on State Affairs.

By Senators Rogers of Travis, Ashley and Strauss:

S. B. No. 324, A bill to be entitled "An Act authorizing Lower Colorado River Authority to issue Bonds not to exceed Sixty-five Million (\$65,000,000.00) Dollars in aggregate principal amount, repealing that portion of the Lower Colorado River Authority Act limiting amount of Bonds which may be issued by such District to Fifty Million (\$50,000,000.00) Dollars and all other laws in conflict herewith."

To the Committee on Civil Jurisprudence.

By Senator Rogers of Travis:

S. B. No. 325, A bill to be entitled "An Act providing for coverage of State Employees under the Old Age and Survivors Insurance provisions of the Federal Social Security Act; defining terms; providing for the administration of this act; providing for contributions and pay roll deductions; making allocations and appropriations; creating a special fund to be known as the State Social Security Administration Fund and providing for its administration; providing a severability clause and declaring an emergency."

To the Committee on Finance.

By Senator Moore:

S. B. No. 326, A bill to be entitled "An Act amending and revising the Election Code of the State of Texas; repealing certain statutes relating to elections; providing an effective date; providing for severability; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Fuller:

S. B. No. 327, A bill to be entitled "An Act to provide for the sale by the State to the City of Port Arthur,

Texas, a municipal corporation, and its assigns, a certain tract or area of land situated in Jefferson County, Texas, same being riparian lands constituting a part of the former bed of Sabine Lake, retaining to the State all mineral rights therein; and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas by repealing Section 62a, Article XVI of the Constitution of the State of Texas, and substituting therefor a new Section 62a, authorizing needed changes in and revision of the State Employees Retirement System of Texas, providing for the necessary election, form of ballot, proclamation and publication and making an appropriation to defray the necessary expenses of proclamation, publication, and holding the election.

To the Committee on Constitutional Amendments.

By Senator Shireman:

S. J. R. No. 9, Proposing an amendment to Article III of the Constitution of the State of Texas authorizing the Legislature to provide by general laws for the administration of the public health laws of the State.

To the Committee on Constitutional Amendments.

Senate Concurrent Resolution 26

Senator Hazlewood offered the following resolution:

S. C. R. No. 26, Granting Independent Natural Gas Company permission to sue the State.

Whereas, Independent Natural Gas Company is a private corporation duly authorized and existing under and by virtue of the laws of the State of Texas; and

Whereas, The said Independent Natural Gas Company paid to the State of Texas gas gathering taxes beginning in the month of September, 1951 and continuing through January, 1954, said taxes being levied by Section XXIII of House Bill 285, Chapter 402, Page 740, Acts of the 52nd Legislature of the State of Texas which became effective September, 1951 and which said act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company vs. Robert S. Cal-

vert, et al. and Panhandle Eastern Pipeline Company vs. Robert S. Calvert, et al., 347 U. S. 157, 74 S. C. 396; and

Whereas, The said Independent Natural Gas Company paid as taxes the sum of Five Thousand Nine Hundred Eighteen and 06/100 Dollars (\$5,918.06) for the month of February, 1952, said payment having been made on or about the 22nd day of March, 1952, under said Gas Gathering Tax statute which has never been refunded to said Company but is still being held by the State of Texas; and

Whereas, The United States Supreme Court has held that taxes paid under this act were illegally and unlawfully extracted and that said act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitely and accurately determine the same it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, by the Senate of the State of Texas with the House of Representatives concurring, That Independent Natural Gas Company be, and it is hereby granted, permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by Independent Natural Gas Company under said unconstitutional law. Nothing herein contained shall be construed as an admission of liability against the State, and the facts upon which plaintiff may seek to recover must be proved as in any other case.

Service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer

and the Comptroller of Public Accounts.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

Senate Concurrent Resolution 27

Senator Hazlewood offered the following resolution:

S. C. R. No. 27, Granting Wheeler Gas Company permission to sue the State.

Whereas, Wheeler Gas Company is a private corporation duly authorized and existing under and by virtue of the laws of the State of Texas; and

Whereas, the said Wheeler Gas Company paid to the State of Texas gas gathering taxes beginning in the month of September, 1951 and continuing through January, 1954, said taxes being levied by Section XXIII of House Bill 285, Chapter 402, Page 740, Acts of the 52nd Legislature of the State of Texas which became effective September, 1951 and which said act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company vs. Robert S. Calvert, et al. and Panhandle Eastern Pipeline Company vs. Robert S. Calvert, et al., 347 U. S. 157, 74 S. C. 396; and

Whereas, the said Wheeler Gas Company paid as taxes the sum of Eight Hundred Fifty and 59/100 Dollars (\$850.59) under said Gas Gathering Tax statute which has never been refunded to said Company but is still being held by the State of Texas; and

Whereas, the United States Supreme Court has held that taxes paid under this act were illegally and unlawfully extracted and that said act was void and of no force and effect; and

Whereas, there is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, there is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, in order to definitely and accurately determine the same it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, it is the policy of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, by the Senate of the State of Texas with the House of Representatives concurring, that Wheeler Gas Company be, and it is hereby granted, permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by Wheeler Gas Company under said unconstitutional law. Nothing herein contained shall be construed as an admission of liability against the State, and the facts upon which plaintiff may seek to recover must be proved as in any other case.

Service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

Senate Concurrent Resolution 28

Senator Ashley offered the following resolution:

S. C. R. No. 28, Providing for continued study of the records and history of the State of Texas by the Texas State Historical Survey Committee.

Whereas, The Fifty-Third Legislature by Senate Concurrent Resolution No. 44 created the Texas State Historical Survey Committee for the following purposes:

(1) To conduct a study to determine what is being done and what needs to be done in the historic and heritage realm in Texas.

(2) To form, if deemed advisable, a nonprofit statewide historical foundation to act as a coordinating agency and to supply statewide leadership in the encouragement and stimulation of historical activities.

(3) To make a report to the Fifty-fourth Legislature with appropriate recommendations for the institution, continuation or expansion of programs and policies to carry out the aims of the Resolution, and,

Whereas, The Survey Committee has ably and untiringly labored to carry out these assignments without a call on the State Treasury, and many organizations, agencies, institutions and hundreds of individuals have contributed in various ways to the work of the Committee; and,

Whereas, There has been wide approval of this statewide, coordinated historical effort by the groups and individuals of Texas having an interest in historical affairs and there has been commendation of this Texas program by national historical organizations and publications; and,

Whereas, The Survey Committee feels that the study is far from complete and that some aspects need more intensive study; and,

Whereas, The Survey Committee Report to the Fifty-fourth Legislature substantiates the need for a coordinated statewide effort in the historical-heritage field; now, therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring:

The Survey Committee as created in S. C. R. 44 of the Fifty-third Legislature shall continue the study of the preservation and dissemination of records of Texas and Texas life during the biennium beginning September 1, 1955, and shall make a report to the Fifty-fifth Legislature covering the activities and recommendations of the Committee. The Committee shall have authority to negotiate and contract, to accept reports made by any other private or public agency and to receive payment and/or donations to cover the expense of any work performed by the Committee or work done under its supervision.

ASHLEY
HARDEMAN

The resolution was read and was referred to the Committee on State Affairs.

Senate Concurrent Resolution 29

Senator Bracewell offered the following resolution:

S. C. R. No. 29, Relating to San Jacinto Museum of History Association's contract with State Board of Control for San Jacinto Monument and Museum.

"Whereas, The San Jacinto Museum of History Association, an organization of patriotic Texans, under contract with the Board of Control en-

tered into pursuant to Senate Concurrent Resolution No. 21 of the 46th Legislature, and also pursuant to Senate Concurrent Resolution No. 18 of the 47th Legislature, and also pursuant to Senate Concurrent Resolution No. 4, passed by the Regular Session of the 49th Legislature of Texas in 1945, and also pursuant to Senate Concurrent Resolution No. 35, passed by the Regular Session of the 50th Legislature of Texas in 1947, and also pursuant to Senate Concurrent Resolution No. 10 of the 51st Legislature of Texas in 1949, and also pursuant to Senate Concurrent Resolution No. 43, passed by the Regular Session of the 52nd Legislature of Texas in 1951, and also pursuant to Senate Concurrent Resolution No. 46, passed by the Regular Session of the 53rd Legislature of Texas in 1953, has had the care, custody and control of the San Jacinto Memorial Monument and Tower on the San Jacinto Battlefield since the Memorial Tower was opened generally to the public on April 21, 1939; has maintained and operated the same, and the elevator therein, and the Museum in the base thereof, with funds raised by public subscription, making a small charge for the use of the elevator and the sale of souvenirs in and about said Memorial Tower, all without cost or expense to the State of Texas; and

"Whereas, The Historical Museum maintained in the Museum Rooms in the base of the Memorial Tower is of great educational value, and has attracted the most favorable state, national, and international approval and interest, giving life and vitality to the building and attracting persons who would not otherwise visit the Memorial Tower and grounds, thereby increasing the revenue from the operation of the elevator and the sale of souvenirs; and

"Whereas, During the short period of its operation the Museum has accumulated in excess of 100,000 accession items of historical value, some exceedingly rare and of great monetary value, acquired by individuals at great expense and donated to the Museum; and the Museum, on account of the permanency of the building and the historical event it commemorates, from time to time is being made the recipient of valuable historical records by old families of Texas, who have selected the Museum as the repository of such records, in order that they may be preserved for posterity; and

"Whereas, Such historical materials should be continuously sought after, received, catalogued, filed and properly arranged and preserved for the purposes of historical research and study, and at the same time exhibited and displayed to the public and made of public use and benefit in the portrayal and revisualization of our history, all of which requires museum cases and facilities adapted to the architecture of the building and the purposes for which it is used; and

"Whereas, The Trustees of said Museum of History Association, by public subscription, originally raised some \$38,560.01, approximately \$25,000.00 of which has been expended for museum cases, furniture and fixtures for the Museum, and the greater part of the balance thereof for the operation of the Museum, and the Museum is now in need of additional museum cases, fixtures and facilities, as well as additional depository space and display rooms, and such space and rooms for the growth and development of the Museum may be had by the use and improvement of the unused space and unfinished rooms in the basement and in the shaft of the tower of the building; and

"Whereas, Since the operation and maintenance of the San Jacinto Memorial Tower and the Museum therein are so correlated and of such importance to the state that they should be considered as one project, and all revenues derived from the operation of the elevator in the tower and the sale of souvenirs in and about the building should be used for the maintenance of the building, and the operation thereof, and the Museum therein, and in the expansion, improvement and development thereof; now, therefore, be it

"Resolved, By the Senate of Texas, the House of Representatives concurring, that the State Board of Control be authorized to enter into a contract with the San Jacinto Museum of History Association, whereby the care, custody and control of the San Jacinto Memorial Tower will be given to and continue in the San Jacinto Museum of History Association until otherwise provided by the Legislature, to be maintained in good order by said Association without charge to the State of Texas, and requiring the Association to make no charge to the public for entering said building or Museum; and be it further

"Resolved, That said contract shall

provide that the San Jacinto Museum of History Association, subject to the approval of the Board of Control, shall have authority to sell souvenirs and operate a concession in and about said building and to make a reasonable charge, approved by the Board of Control, for the use of the elevator to the observation floor of the Memorial Tower; and that the moneys heretofore and hereafter so collected shall be used exclusively by the San Jacinto Museum of History Association, under and subject to the approval of the Board of Control, for the maintenance, upkeep, repair and improvement of the San Jacinto Memorial Building and Tower, and for the operation thereof and the elevator therein, and for the maintenance, upkeep, operation, improvement and expansion of the Historical Museum therein, and the acquisition, care, maintenance, preservation and exhibition of historical materials, and the procurement of the necessary equipment, museum cases, cabinets, files, including air conditioning equipment, and other facilities useful and necessary in the conduct, maintenance and operation of a Historical Museum of the first class, and for the payment of salaries of the director, archivist, receptionist, engineers, elevator operators, janitors and watchmen, and other services of employees necessary for the conduct, maintenance and operation of the said San Jacinto Memorial Monument and Museum; and such funds may be likewise used, when approved by the Board of Control, in the furtherance in part of any project for the improvement of the San Jacinto State Park that is being made under the authority of the San Jacinto State Park Commission, under the sole direction and control of the State Park Commission, or in conjunction with any other agency of the State or Federal Government; and, be it further

"Resolved, That said contract shall provide that the San Jacinto Museum of History Association shall submit to the State Board of Control for its examination and approval or disapproval, a detailed monthly report of all collections and expenditures made of such funds, and shall have its books of account audited annually by the State Auditor; and in addition, such books shall further be audited annually by a competent and disinterested certified public accountant, as the Board of Control shall so direct, and the result of such examination

and audit submitted to the Board of Control."

The resolution was read and was referred to the Committee on State Affairs.

Senate Concurrent Resolution 30

Senator Hardeman offered the following resolution:

S. C. R. No. 30, Inviting the Honorable Frank G. Clement, Governor of Tennessee, to address a Joint Session of the Legislature.

Whereas, the Honorable Frank G. Clement, Governor of the State of Tennessee, is to be a visitor in the State of Texas on or about March 19, 1955, to address a meeting of the Chamber of Commerce of Pecos, Texas; and

Whereas, this distinguished gentleman bears a national reputation as a speaker; and

Whereas, it would be a privilege for the Legislature of the State of Texas to have the opportunity of hearing Governor Clement, now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the Hon. Frank G. Clement be invited to address a Joint Session of the Legislature of the State of Texas at his convenience, and be it further resolved that a copy of this Resolution, duly authenticated, be sent to Governor Clement.

HARDEMAN
ASHLEY
AIKIN
FULLER
FLY
MARTIN
RATLIFF

The resolution was read.

On motion of Senator Hardeman, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Resolution 102

Senator Hardeman offered the following resolution:

Be it resolved, by the Senate of Texas, That at such times as the Senate may direct there shall be prepared local and uncontested calendars, which calendars shall be prepared by a committee of five appointed by the Lieutenant Governor.

No bills or resolutions shall be placed on such calendar which contain appropriations or create new departments or subdivisions of departments, except purely local bills where the expenditure is not from State funds.

No bills or resolutions which the committee feels might create a controversy shall be placed on such calendar. Any bill or resolution on such calendar shall not be considered if as many as three members present object to such consideration.

The calendar shall be placed on the desk of the members at least six hours before any such session. The committee may name a time after which applications for a place on the calendar may not be made.

The committee shall not consider any bills unless a printed copy of such bill or the bill itself is presented to the committee.

HARDEMAN
MARTIN

The resolution was read and was adopted.

House Bill 332 on Second Reading

Senator Lock moved that Senate Rules 38 and 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 332 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Weinert
McDonald	Willis
Moffett	

Nays—1

Fly

Absent

Hazlewood

Absent—Excused

Lane
Owen

Wagonseller

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 332, A bill to be entitled "An Act providing for authorization for the Board for Texas State Hospitals and Special Schools to discharge any nonresident patient or student; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 332 on Third Reading

Senator Lock moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 332 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lock	Strauss
Martin	Weinert
McDonald	Willis
Moffett	

Nays—1

Latimer

Absent

Hazlewood

Absent—Excused

Lane
Owen

Wagonseller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin

Ashley

Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Weinert
Moffett	Willis
Moore	

Nays—1

Latimer

Absent

Hazlewood

Absent—Excused

Lane	Wagonseller
Owen	

House Bill 334 on Second Reading

Senator Lock moved that Senate Rules 38 and 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 334 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Weinert
McDonald	Willis

Absent

Hazlewood

Absent—Excused

Lane	Wagonseller
Owen	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 334, A bill to be entitled

“An Act providing for the return of persons released from State Schools for the feeble-minded or mentally retarded to the committing county; and declaring an emergency.”

The bill was read second time and was passed to third reading.

House Bill 334 on Third Reading

Senator Lock moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 334 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Weinert
McDonald	Willis
Moffett	

Nays—1

Bracewell

Absent

Corbin

Absent—Excused

Lane	Wagonseller
Owen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Martin
Ashley	McDonald
Colson	Moffett
Corbin	Moore
Fly	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Roberts
Kelley	Rogers
Lock	of Childress

Rogers of Travis Strauss
Secrest Weinert
Shireman Willis

Nays—3

Bracewell Latimer
Kazen

Absent—Excused

Lane Wagonseller
Owen

House Concurrent Resolution 27 on
Second Reading

Senator Ashley moved that Senate Rules 38 and 116 and Section 5 of Article III of the State Constitution be suspended and that H. C. R. No. 27 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Weinert
Martin	Willis
McDonald	

Absent—Excused

Lane Wagonseller
Owen

The President laid before the Senate on its second reading the following resolution:

H. C. R. 27, Granting Ashel T. Shults and wife permission to sue the State.

The resolution was read the second time and was adopted.

House Bill 228 on Second Reading

Senator Kelley moved that Senate Rules 38 and 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 228 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Weinert
Martin	Willis

Absent

McDonald

Absent—Excused

Lane Wagonseller
Owen

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 228, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature of Texas, as amended by Chapter 290, Acts, 47th Leg., R. S., 1941, page 463, and as heretofore otherwise amended, by adding sub-section (e) to Section 1a (1) thereof, excepting from the definition of 'Motor Carrier' and 'Contract Carrier,' and exempting from the provisions of such Acts, any person transporting fresh iced fish or shellfish from coastal production-landing points to packing or freezing plants upon the filing of certain insurance; providing for the repeal of all laws and parts of laws in conflict with this Act; providing that if any section, sentence, clause, phrase, word or part of this Act be held invalid or unconstitutional it shall not affect the remaining portions; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 228 on Third Reading

Senator Kelley moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 228 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Weinert
Martin	Willis
McDonald	

Absent—Excused

Lane	Wagonseller
Owen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Weinert
Martin	Willis
McDonald	

Absent—Excused

Lane	Wagonseller
Owen	

(Senator Moffett in the Chair.)

Senate Concurrent Resolution 31

Senator Hardeman offered the following resolution:

S. C. R. No. 31, Recalling H. C. R. No. 25 from the Governor's Office.

Whereas, H. C. R. No. 25 was adopted by the Senate on February 23, 1955; and

Whereas, The same is now in the Governor's office awaiting action; and

Whereas, The Resolution was adopted without discussion; and

Whereas, It involves a matter of extreme importance to the policy of this State and should be fully debated; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Governor be requested to return to the Senate H. C. R. No. 25 for reconsideration and full debate.

The resolution was read.

Senator Hardeman asked unanimous consent to suspend the regular order of business and consider the resolution immediately.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and that S. C. R. No. 31 be considered immediately.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—17

Aikin	Parkhouse
Ashley	Ratliff
Corbin	Roberts
Fly	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Martin	Strauss
Moffett	Weinert
Moore	Willis

Nays—11

Bracewell	Lock
Colson	McDonald
Hazlewood	Phillips
Kazen	Secrest
Kelley	Shireman
Latimer	

Absent—Excused

Lane	Wagonseller
Owen	

The resolution was then referred to the Committee on State Affairs.

Senate Bills on First Reading

By unanimous consent the following Senate bills were introduced, read first time and referred to the committees indicated:

By Senator McDonald:

S. B. No. 328, A bill to be entitled

"An Act relating to improvement of the marketing opportunities of sweet potatoes grown in Texas and to the protection of consumers of sweet potatoes by a prompt and efficient program for inspection and classification of sweet potatoes at reasonable cost; providing a savings clause; and declaring an emergency."

To the Committee on Agricultural Affairs.

By Senator Corbin:

S. B. No. 329, A bill to be entitled "An Act designed to contribute to the control and prevention of diseases which may be normally transmitted through the medium of food, drink, or utensils, dishes, and serving implements used in connection therewith; defining the term 'food'; prohibiting certain performances and employment of persons infected with transmissible conditions of disease; providing for sanitary requirements and examinations of certain employees and persons; authorizing incorporated cities (including home rule cities) to enact ordinances incidental hereto; providing a penalty for violation of this Act; repealing Chapter 356, Acts of the 45th Legislature, Regular Session, 1939 (codified as Article 705c in Vernon's Texas Penal Code) and all amendments thereto; repealing all other laws in conflict herewith; providing for severability; and declaring an emergency."

To the Committee on Public Health.

Adjournment

On motion of Senator Hardeman the Senate at 12:23 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

THIRTY-FIRST DAY

(Thursday, March 10, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Hazlewood
Ashley	Kazen
Bracewell	Kelley
Colson	Latimer
Fly	Lock
Fuller	Martin
Hardeman	McDonald

Moffett
Moore
Owen
Parkhouse
Phillips
Ratliff
Roberts

Rogers
of Childress
Rogers of Travis
Secret
Shireman
Willis

Absent—Excused

Corbin
Lane
Strauss

Wagonseller
Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Holy Father, this is Thy world; we Thy tenants. All about us there are powers and principalities that would destroy us. Teach us that it is not by power nor by might, but by Thy spirit that the implements of war shall be beaten into plowshares; and the lion and the lamb lie down together in peace. We pray in Christ's name. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Strauss was granted leave of absence for today on account of important business on motion of Senator Moffett.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Corbin was granted leave of absence for today on account of important business on motion of Senator Moore.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 10, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 34, Granting the South Minerals Corporation permission to sue the State of Texas.

H. C. R. No. 35, Granting the El